

S/N 09/631,000

PATENTREMARKS

Claims 1, 7 and 16 have been amended, claims 21-25 have been added, and claims 1-25 are currently pending. In light of the following remarks, the applicant requests withdrawal of the pending rejections and advancement of this application to allowance.

A. Rejection of Claims 1-3 and 6-20

Claims 1-3 and 6-20 stand rejected as being obvious over Peterson in view of Ford et al. The applicant respectfully traverses his rejection.

1. Prior Art

Peterson discloses a system in which an application program is downloaded into a pump. The system can then track a variety of information about the pump such as the particular application program downloaded into the pump and the length of time each pump is enabled. Peterson does not disclose a set of program data, including parameters for controlling operation of a pump. It does not teach assigning a data key to a set of program data that includes operating parameters. Nor does Peterson disclose downloading the set of operating parameters to a medical pump.

The teachings of Peterson are directed to application programs and not operating parameters, which are the data that the application program uses to control operation of the pump. This distinction between application program and operating parameter is emphasized by the following definition of parameter, "In programming, a value that is given to a variable, either at the beginning of an operation or before an expression is evaluated by a program." Microsoft Press Computer Dictionary 354 (1997).

Similarly, the teaching of Ford et al. is limited to creating a drug library and then downloading the entire library to the pump. A user then directly programs the pump with individual operating parameters using the keypad on the pump, not on a database on a separate apparatus that interfaces with the pump. See, e.g., col. 9, lines 21-25; col. 20, line 50-col. 21, line 62. As with Peterson, Ford et al. fails to teach a set of program data having operating parameters, assigning a data key to the set of program data that includes operating parameters, and downloading the set of operating parameters to a medical pump.

S/N 09/631,000

PATENT**2. Claims 1-3 and 6**

Accordingly, no combination of Peterson and Ford et al. will result in the method of claim 1. For example, no combination of these references will result in method that includes the act of entering a plurality of data items into a database to form a set of program data, at least some of the data items establishing parameters for controlling operation of a medical pump. Nor will any combination of these references result in a method that includes the act of assigning a data key to the set of program data.

Therefore, the applicant respectfully submits that claim 1 (and dependent claims 2, 3, and 6) is patentably distinct from the claimed invention and request withdrawal of the pending rejection with respect to these claims.

3. Claims 7-9

Similarly, no combination of these references will result in the apparatus of claim 7. For example, no combination of these references will result in an apparatus having memory loaded with a database of program data records, at least some of the program data records including data items (i.e., operating parameters) for controlling operation of a medical pump, a data key identifying one of the data records, and a database management system programmed to exchange data with the pump.

Therefore, the applicant respectfully submits that claim 7 (and dependent claims 8 and 9) is patentably distinct from the claimed invention and request withdrawal of the pending rejection with respect to these claims.

4. Claim 10

No combination of these references will result in the apparatus of claim 10. For example, no combination of these references will result in an apparatus for batch programming of a medical pump having a processor configured to retrieve a set of program data (which includes at least some operating parameters) from a database and batch download the set of program data to a medical pump.

Therefore, the applicant respectfully submits that claim 10 (and dependent claims 11-15) is patentably distinct from the claimed invention and request withdrawal of the pending rejection with respect to these claims.

S/N 09/631,000

PATENT**5. Claim 16-20**

Finally, no combination of the claimed references teach or suggest a method of batch programming a medical pump as set forth in claim 16. For example, no combination of the claimed references will result in the claimed combination of acts that includes batch downloading a set of program data (which includes at least some operating parameters) to a medical pump.

Therefore, the applicant respectfully submits that claim 16 (and dependent claims 17-20) is patentably distinct from the claimed invention and request withdrawal of the pending rejection with respect to these claims.

B. Rejection of Claims 4 and 5

Claims 4 and 5 stand rejected as being obvious over Peterson in view of Ford et al. and further in view of "Acute Health Solutions' DoseWatch to use Multum's MediSource" ("MediSource"). The applicant respectfully traverses this rejection.

Peterson and Ford et al. were distinguished above from the claimed invention, which includes all of the elements of claim 1. Additionally MediSource discloses only uploading information to a computer for analysis to determined whether a pump is properly programmed. It fails to disclose a set of program data, including parameters for controlling the operation of a pump. Nor does it disclose assigning a data key to the set of program data.

Claims 4 and 5 depend from and include all of the elements set forth in claim 1. No combination of the cited references will result in the claimed method. For example, no combination of the cited references will result in the claimed combination of acts including entering a plurality of data items into a database to form a set of program data, at least some of the data items establishing parameters for controlling operation of a medical pump, and assigning a data key to the set of program data.

Therefore, the applicant respectfully submits that claims 4 and 5 are patentably distinct from the cited references and request reconsideration and withdrawal of the pending rejection.

S/N 09/631,000

PATENT**C. Conclusion**

In view of the foregoing remarks, the applicant respectfully requests withdrawal of the pending rejection and advancement of this application to issuance. The applicants also notes that there may be additional reasons that the claimed invention is patentably distinct from the cited references in addition to those raised in the above remarks. The applicant reserves the right to raise any such reason in the future.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned attorney at (612) 336-4608.

Respectfully submitted,

MERCHANT & GOULD, P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 332-5300

Dated: June 27, 2003By: [Signature]

John C. Reich
Reg. No. 37,703
JCR/nma

